

The Consumer Specialty Products Association Testimony in Opposition to HB 4763-4769

Presented to: The House Committee on the Great Lakes and Environment

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Chairwoman Warren and distinguished members of the House Committee on the Great Lakes and Environment, the Consumer Specialty Products Association (CSPA) submitting written testimony to express our strong opposition to House Bills 4763 through 4769.

CSPA is a national nonprofit trade association that represents more than 240 companies engaged in the formulation, manufacture, distribution and sale of consumer, institutional and commercial products. CSPA member companies manufacture and market a wide range of products, including: cleaning products, disinfectants and sanitizers, candles and air care products, household pesticide products, automotive products used to clean and maintain vehicles, and polishes and floor maintenance products.

CSPA members are committed to manufacturing and marketing safe products, which are protective of human health and the environment while providing essential benefits to consumers. CSPA and our members support the goal of ensuring that consumer products are safe. However, we are strongly opposed to HB 4763 through 4769 because they would create an extremely complex and expensive regulatory program that would **require firms to report information on allegedly "dangerous" chemicals** and would duplicate activities already being performed by a number of federal agencies.

Consumer Products Provide Essential Benefits

CSPA member products improve the safety and quality of human life and are necessary to protect the public health against dangerous diseases, infestation, and unsanitary conditions.

Examples include:

- The proper use of cleaning products and disinfectants are an effective and scientifically proven way to reduce the primary causes of disease, infection, asthma, and other health threats.
- The proper use of disinfecting and antimicrobial products on food surfaces can help protect against **Salmonella, E.coli** and other bacterial contamination on food.
- Disinfecting products are also crucial in preventing and mitigating the **Norovirus, Flu Outbreaks, and Staph Infections**. Cleaning products also help prevent unsanitary restrooms, which can pose serious health risks, such as: contracting **hepatitis, shigella**, or other diseases related to viral or bacterial infection.
- Cleaning and disinfecting products also help kill and prevent mold and mildew, which are proven asthma triggers for children and adults.
- In addition, cleaning and disinfecting products are part of the first-line of defense against infection and disease and in re-establishing sanitary conditions during emergencies and natural disasters.
- Household use (ready-to-use) pesticide products are a least toxic way to help protect against pest infestations that can result in disease and can trigger asthma attacks. A May 1997 study

published in The New England Journal of Medicine found that children allergic to cockroach allergens and heavily exposed to these insects were three times more likely to be hospitalized than other asthmatic youth.

- Consumer automotive products help consumers and automotive service professionals maintain *safe* and smooth running vehicles and help reduce greenhouse gas emissions.

The approach contained in these legislative proposals is severely flawed and could unintentionally restrict the use of vital products in Michigan.

Legislation Relies on Flawed Scientific Basis

These legislative proposals are fundamentally flawed and lack the scientific basis required to create such a **complex and costly new regulatory system**. These bills would essentially require manufacturers and distributors of children's products that contain identified "chemical of highest concern" in compounds to report to the Department of Health. The Department would then be required to publicly release the information that it receives from companies.

This approach to chemicals management is based on a flawed premise that identifying and eliminating 'hazardous chemicals' will make us safer. However, all chemicals are hazardous in some way, and therefore risk and safety assessments are key to ensuring that products are safe when used by consumers. For example, *even baking soda and vinegar can be toxic* and exhibit hazardous characteristics that could require action under this legislation.

Additionally many common foods that we eat everyday **naturally** contain the presence of chemicals that could be identified as hazardous under the approach considered in this legislation. Specific examples include:

- **Broiled Fish** – naturally contains the following seven carcinogenic chemicals: 2-Amino-9H pyrdo (2,3-b)-indole, 2-Amino-6-methyl dipyrdo-imidazole, 2-Aminodipyrdo-imidazole, 2-Amino-3-methylimidazo-quinoline, 2-Amino-3-methyl-9H-Pyrdo-indole, 3-Amino-1, 4-dimethyl-5H-pyrdo-indole, and 3-Amino-1-methyl-5H-pyrdo-indole.¹
- **Vegetable Oil** – contains dibenzanthracene that has been linked to skin cancer²
- **Smoked Meats** – contain benzanthrane, benzopyrene, benzofluoranthene, and dibenz anthracene that have all been linked to carcinogenic effects³
- **Coffee** – contains the following rodent (not human) carcinogens: benzopyrene, benzaldehyde, benzene, benzofuran, caffeic acid, catechol, 1,2,5,6-dibenzanthracene, ethyl benzene, furan, furfural, hydrogen peroxide, hydroquinone, d-limonene, and 4-methylcatechol.⁴
- **Cherry Tomatoes** – contain the following carcinogens: benzaldehyde, caffeic acid, hydrogen peroxide, and quercetin glycosides⁵
- **Celery** – contains the following carcinogens: caffeic acid, furan derivatives, and psoralens⁶

¹ Syed, Ibrahim B. *Carcinogens in Foods*, Islamic Research Foundation International, Inc.

² Ibid.

³ Ibid.

⁴ The American Council on Science and Health, *Naturally Occurring Mutagens and Carcinogens Found in Foods and Beverages*. Environmental Health News. The Heartland Institute. November 2002.

⁵ Ibid.

⁶ Ibid.

- **Broccoli, arugula, and mustard** - contain allyl isothiocyanate a mutagen and rodent carcinogen⁷
- **Carrots** – contain aniline a rodent carcinogen⁸
- **Nuts** – contain aflatoxin a mutagen and potent rodent carcinogen; also a human carcinogen⁹

All of these naturally occurring chemicals could be considered “priority chemicals” based upon the flawed approach that would be established under HB 4763-4769. The belief that the State must eliminate “hazardous” chemicals in products underscores a clear misunderstanding of basic toxicological principles and a reasonable, science-based approach to product safety assessments. In addition, a recent study has concluded, “There is no convincing evidence that synthetic chemical pollutants are important for human cancer. Regulations that try to eliminate minuscule levels of synthetic chemicals are enormously expensive... the median toxic control program costs 146 times more per life year saved than the median medical intervention.”¹⁰ In addition, regulations that force product reformulation, such as these legislative proposals, cost millions of dollars in reformulation costs and can reduce or eliminate the effectiveness of products.

This proposal would establish a dangerous precedent in the State of Michigan as consumers would be deterred from purchasing certain products simply because of a chemical’s presence in those products. List-based chemical reporting programs ignore the reality that there are hazards in every product and activity that humans come in contact with or undertake. Extensive safety and risk assessments are necessary to ensure that consumer products are safe for use. These legislative proposals **would not increase consumer safety** and could be used to ban proven and safe consumer products. The unintended consequences of such a program could be far reaching and extremely costly for Michigan and the entire nation.

Legislation Does Not Allow for Sound Scientific Assessments

A second major flaw with HB 4763-4769 is that the resources utilized and the processes that they would establish are woefully inadequate to making proper scientific safety judgments on the use of chemicals in specific products.

CSPA’s members have organizations staffed with experienced experts who effectively assess chemical hazard, know exposure and can effectively assess the risk of chemical usage in consumer products. Years of training and experience are required in order to become well versed in consumer product safety assessment. CSPA’s member companies employ toxicologists that are highly qualified to make decisions about the appropriate use of chemicals in products. These professionals are masters and PhD-level scientists within our companies. CSPA’s members know what chemicals are safe under foreseeable conditions of product use and misuse. This proposal would require manufacturers to submit information on potentially millions of chemical compounds to a program that will not increase human health or the welfare of the environment.

CSPA is very concerned that the Department does not have the requisite resources and personnel in order to even attempt to determine what chemicals are “of concern” and “highest concern.”

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ames, Bruce N. & Gold, Lois Swirsky, *Misconceptions about Environmental Pollution, Pesticide and the Causes of Cancer*. National Center for Policy Analysis. March 1998. ISBN # 1-56808-034-4

Furthermore, companies would be required to submit overwhelming amounts of data, but the Department would not have the resources to make use of them or display them in a manner understandable to consumers. Instead of increasing knowledge and product safety the reporting required under these proposals would result in confusing information and an unmanageable mandate for disclosure.

Consumer Products Are Already Highly Regulated for Safety

CSPA members are committed to providing products that are thoroughly evaluated for human and environmental safety and go through rigorous safety-based assessments before they are brought to market. CSPA members are also committed to clear and meaningful labeling on consumer products, i.e., label instructions are written to ensure that consumers use products in accordance with label instructions. Finally, CSPA members are committed to the development of green products that are safe for human health and the environment. In addition, CSPA members routinely apply green chemistry and green engineering principles in their operations and have been honored with awards for their efforts.

Product safety and environment compatibility are vital considerations in manufacturing consumer products. CSPA's members spend millions of dollars and perform safety-based assessments for all consumer products and their ingredients prior to the marketing of a product and take into consideration all of the phases of a product's life-cycle.

In addition to meeting stringent internal product safety requirements, companies also comply with numerous federal regulations under a variety of laws including: The Federal Insecticide Fungicide and Rodenticide Act, The Federal Hazardous Substance Act, The Toxics Substances Control Act, The Resource Conservation and Control Act, The Emergency Planning and Community Right-to-Know Act, The Food Quality Protection Act, the Clean Air Act, and The Clean Water Act. In addition to EPA's oversight, manufacturers and products are subject to additional regulation by the Occupational Safety and Health Administration, The Environmental Protection Agency, and the Consumer Products Safety Commission as well as various state agencies.

Michigan Should Encourage Robust Company/Product Safety Programs

CSPA's members support company performed safety-based assessments of consumer products prior to the marketing of a product, that take into consideration all of the phases of a product's life-cycle. CSPA and our members believe that every responsible company should be performing these types of safety-based assessments and supports initiatives that recognize companies for these types of procedures. In fact, CSPA has demonstrated our industry's commitment to manufacturing and marketing safe products that are protective of human health and the environment while providing essential benefits to consumers, when we initiated our Product Care program in 2001.

CSPA's Product Care program is a stewardship program for the consumer and institutional specialty products industry where participating companies have agreed to go beyond government regulations in emphasizing health, safety and environmental concerns by carefully designing products, purchasing raw material and packaging, operating safe manufacturing facilities, promoting safe storage and distribution, providing useful product information, answering consumers questions and anticipating product disposal needs. CSPA believes that these types of product stewardship

programs should be considered as frameworks for programs developed under the Green Chemistry Initiative.

Product Care provides a framework for companies to identify and commit to stewardship principles, share ideas and information and benchmark better performance. Participating companies have pledged to develop management principles for each of seven areas in a product's life cycle from development in a research facility through product use and disposal. Through this program Companies Must Commit to Evaluate:

1. Product Design
2. Raw Material, Package and Service Supply
3. Manufacture and Production Site Management
4. Product Storage and Distribution
5. In-market Support, Incident Evaluation and Follow-up
6. Consumer Education and Outreach
7. Product Disposal

Stewardship did not begin when CSPA's Product Care program was initiated in 2001. Responsible companies have long followed policies promoting safe products that provide important health benefits while not adversely affecting the environment.

CSPA believes that Michigan could have a positive impact on product safety by recognizing or encouraging these types of product stewardship programs and companies that participate in them. In particular, CSPA believes that Michigan can leverage and recognize programs like Product Care as a way of encouraging companies to establish robust procedures to ensure product safety and environmental safety.

Conclusion – Oppose HB 4763-4769

CSPA strongly objects to HB 4763-4769 since they would establish an extremely flawed and costly regulatory program that could deter consumers from purchasing products that have been deemed safe by manufacturers and government agencies. This legislation rests on the **false premise** that the mere presence of a chemical in a product will cause harm and ignores proven scientific approaches for ensuring product safety. These legislative proposals **would not increase consumer safety** and the unintended consequences of such a program could be far reaching and extremely costly for Michigan and the entire nation.

For these reasons and the concerns expressed above, we urge the members of the House Committee on the Great Lakes and Environment to **vote ought not to pass on HB 4763 through 4769**. Thank you for your time and consideration of CSPA's views on this very important issue; I would welcome the opportunity to answer any questions Committee members may have.

